

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ITV DIRECT, INC.) Civil Action No. 04-CV-10421-JLT
)
Plaintiff,) Honorable Joseph L. Tauro
v.)
)
HEALTHY SOLUTIONS, LLC, et al.,)
)
Defendants.)
)
AND RELATED ACTIONS)
)

JUDGMENT

THE HONORABLE JOSEPH L. TAURO

This action came before the Court upon Plaintiff-in-Intervention Cappseals Inc.'s Motion for Summary Judgment. The issues have been heard and an ORDER and MEMORANDUM were issued on July 20, 2005, allowing Cappseals' Motion for Summary Judgment and awarding the price of goods to Healthy Solutions LLC and finding that "there is no just reason to further delay payment."

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED

Pursuant to Fed. R. Civ. P. 54(b) judgment is hereby entered for Healthy Solutions LLC on its claim for goods delivered against ITV Direct Inc., and Direct Fulfillment, LLC, jointly and severally, in the amount of \$1,086,672.80, said amount consisting of:

- 1) Principal in the amount of \$931,680.91, calculated as the total invoiced price for goods delivered of \$1,821,864.00, less principal awarded to Cappseals Inc. of \$890,183.09;
- 2) Pre-Judgment interest¹ on the principal amount from March 6, 2004² to July 25, 2005 in the amount of \$154,991.41;
- 3) Together with post judgment interest from and after July 26, 2005 accruing at the statutory rate until paid in full.

IT IS SO ORDERED.

DATED: _____

HONORABLE JOSEPH L. TAURO
UNITED STATES DISTRICT COURT JUDGE

Respectfully submitted,

O'CONNOR CHRISTENSEN &
MC LAUGHLIN LLP

/s/ Becky V. Christensen, Esq.

Becky V. Christensen, Esq.
Counsel for Healthy Solutions LLC,
Health Solutions Inc., Alejandro Guerrero,
Michael Howell, Gregory Geremesz
1920 Main Street, Suite 150
Irvine, CA 92614
949 851-5000 Telephone
949 851-5051 Facsimile

Dustin F. Hecker, Esq.
Posternak Blankstein & Lund LLP
Counsel for Healthy Solutions LLC,
Health Solutions Inc., Alejandro Guerrero,
Michael Howell, Gregory Geremesz

¹ Computed pursuant to Mass. Gen. Laws ch. 231, § 6C.

² The due date of the last invoice.

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2005, a copy of the foregoing **COVER LETTER AND JUDGMENT** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Christopher F. Robertson, Esq.
Peter S. Brooks, Esq.
Susan W. Gelwick, Esq.
SEYFARTH SHAW LLP
Two Seaport Lane, Suite 300
Boston, MA 02210
(617) 946-4800
(617) 946-4801 Facsimile
crobertson@seyfarth.com
pbrooks@seyfarth.com
sgelwick@seyfarth.com

Attorneys for Plaintiff, Intervenor Defendant,
Counter Defendant
ITV DIRECT, INC. and DIRECT
FULFILLMENT, LLC

Daniel J. Kelly, Esq.
Scott A. Silverman, Esq.
GADSBY HANNAH LLP
225 Franklin Street
Boston, MA 02110
(617) 345-7026
(617) 204-8026 Facsimile
dkelly@ghlaw.com
ssilverman@ghlaw.com
Kcataldo@ghlaw.com

Attorneys for Plaintiff-in-Intervention
CAPPSEALS, INC.

/s/ Becky V. Christensen
Becky V. Christensen, Esq.
Counsel for Healthy Solutions LLC, Health
Solutions Inc., Alejandro Guerrero, Michael
Howell, and Gregory Geremesz